

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CALIFORNIA EXPANDED METAL
PRODUCTS COMPANY, et al.,

Plaintiffs,

v.

JAMES A. KLEIN, et al.,

Defendants.

SECOND AMENDED
JUDGMENT IN A CIVIL CASE

CASE NO. C18-0659JLR

- Jury Verdict.** This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- X **Decision by Court.** This action came to consideration before the court. The issues have been considered and a decision has been rendered.

THE COURT HAS ORDERED THAT

1. Defendant James A. Klein and Non-Party Seal4Safti, Inc. (“S4S”) were found in contempt of the court’s January 3, 2020 permanent injunction based on induced infringement of claim 1 of the ’718 Patent, claim 1 of the ’314 Patent, claim 1 of the ’365 Patent, and claim 1 of the ’526 Patent. (*See* 2/16/22 Order (Dkt. # 301) at 54);
2. S4S shall pay Plaintiffs actual damages in the amount of \$974,645.32. (*See* 1/26/23 Order (Dkt. # 332) at 20, 37; 7/10/23 Order (Dkt. # 360) at 2-3, 5);
3. S4S shall pay prejudgment interest on the actual damages award, from April 1, 2020 through July 10, 2023, the date of final judgment. Prejudgment interest shall be calculated using the simple, annual prime rate for each year. (*See* 1/26/23 Order at 26-27, 38; 7/10/23 Order at 4-6.) Having received S4S and Plaintiffs’ joint statement regarding the calculation of prejudgment interest, the court awards prejudgment interest in the amount of \$143,432.39. (*See* Joint Statement (Dkt. # 363));

4. S4S and Mr. Klein shall be jointly and severally liable for Plaintiffs' reasonable attorneys' fees and costs incurred in pursuing the instant contempt proceedings. (*See* 1/26/23 Order at 23-26, 39; 7/10/23 Order at 3-5.) The court awards Plaintiff California Expanded Metal Products Company \$762,146.86 in attorneys' fees and costs and Plaintiff Clarkwestern Dietrich Building Systems LLC \$844,402.34 in attorneys' fees and costs. (*See* 11/21/23 Order (Dkt. # 377) at 23; 1/8/24 Order (Dkt. # 385) at 8-9.)
5. The following injunctive relief is issued to protect Plaintiffs' patent rights:
 - a. S4S shall withdraw its UL listings, and any other third-party certifications (collectively, "UL listings"), that reference, depict, or suggest the application of an FRG Strip (or any other intumescent strip not more than colorably different from FRG Strip) on the outer sidewall surface of a U-shaped track; and
 - b. S4S is enjoined from submitting any proposed modified listing or certification to a third-party publisher or certification entity (such as UL), where said proposed modified listing or certification depicts, describes, or suggests the application of an intumescent strip to the outer sidewall surface of a U-shaped track for use in fire-stopping applications, absent Plaintiffs' agreement or approval by the court;
 - c. The restraints imposed by paragraphs (a) and (b) shall automatically dissolve upon expiration of the last of the Asserted Patents. (*See* 1/26/23 Order at 34-37; *see also* 3/2/23 Order (Dkt. # 338); 5/9/23 Order (Dkt. # 358).)

Filed this 8th day of January, 2024.

RAVI SUBRAMANIAN
Clerk of Court

s/ Ashleigh Drecktrah
Deputy Clerk